IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.7/1999

Mukesh Kumar S/o Shri Kishan Gopal
...defendant-appellant
Versus
Smt. Saraswati Devi W/o Shri Dharam Prakash
...plaintiff-respondent
AND
Chiranji Lal Contractor s/o Shri Sugan
...defendant-respondent

Date of Order ::: 13.11.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri Alok Garg, Counsel for defendant-appellant
Shri Mukesh Meena, Advocate, for
Shri A.K. Sharma, Counsel for plaintiff-respondent
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By the Court:-

Heard learned counsel for the parties.

The plaintiff-respondent filed a suit for mandatory injunction and possession, which was partly decreed by the lower court. The judgment and decree passed by the lower court has been affirmed by the first appellate court also.

I have considered the submissions of learned counsel for both the parties in the light of the findings of both the courts below and after considering their submissions as well as the findings of both the courts below I find that the controversial issues involved in the present case are relating to

question of fact and there is concurrent finding of fact by both the courts below, which cannot be interfered with by this court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is dismissed at admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.

//Jaiman//